General Assembly

Distr.: General
9 March 2004

Fifty-eighth session
Agenda item 117 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/58/508/Add.2)*]

58/171. Human rights and unilateral coercive measures

The General Assembly,

Recalling all its previous resolutions, the most recent of which was resolution 57/222 of 18 December 2002, and Commission on Human Rights resolution 2003/17 of 22 April 2003,[1]

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report of the Secretary-General,[2] submitted pursuant to Commission on Human Rights resolution 1999/21 of 23 April 1999,[3] and the reports of the Secretary-General on the implementation of resolutions 52/120 of 12 December 1997[4] and 55/110 of 4 December 2000,[5]

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[6]

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] E/CN.4/2000/46 and Add.1.

[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[4] A/53/293 and Add.1.

[5] A/56/207 and Add.1.

[6] See A/CONF.157/24 (Part I), chap. III, sect. I, para. 31.

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[7] the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,[8] the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the second United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[9] and their five-year reviews,

Expressing its concern about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

Expressing its grave concern that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women and children, including adolescents,

Deeply concerned that, despite the recommendations adopted on this question by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Bearing in mind all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

Noting the continuing efforts of the open-ended Working Group on the Right to Development of the Commission on Human Rights, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,[10]

1. *Urges* all States to refrain from adopting or implementing any unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[11] and other international human rights instruments, in particular the right of individuals and peoples to development;

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[7] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[8] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[9] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3–14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annexes I and II.

[10] Resolution 41/128, annex.

[11] Resolution 217 A (III).

2. *Also urges* all States to take steps to avoid and to refrain from adopting any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

3. *Invites* all States to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

4. *Rejects* unilateral coercive measures with all their extraterritorial effects as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, in particular children, women and the elderly;

5. *Calls upon* Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

6. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

7. *Urges* the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including the enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

8. *Requests* the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in his annual report to the General Assembly;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the General Assembly at its fifty-ninth session, highlighting the practical and preventive measures in this respect;

10. *Decides* to examine this question on a priority basis at its fifty-ninth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

77th plenary meeting
22 December 2003

General Assembly

Distr.: General
11 March 2004

Fifty-eighth session
Agenda item 117 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/58/508/Add.2)*]

58/172. The right to development

The General Assembly,

Guided by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom, as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Reaffirming the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000,[1]

Stressing the need for undertaking urgent measures to implement the goals and targets set at all the major United Nations conferences and summits and their review processes, which are paramount in the process of the realization of the right to development,

Taking note of the outcome of the Fourth Ministerial Conference of the World Trade Organization, held in Doha from 9 to 14 November 2001,[2]

Recalling that the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the individual as the central subject and beneficiary of development,

Stressing that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and the individual as the central subject and beneficiary of development,

Recalling all its previous resolutions and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of

[1] See resolution 55/2.

[2] A/C.2/56/7, annex.

[3] A/CONF.157/24 (Part I), chap. III.

22 April 1998,[4] on the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Welcoming its adoption of the United Nations Convention against Corruption[5] on 31 October 2003,

Recalling the high-level plenary meetings of the General Assembly held on 22 September 2003 devoted to the follow-up to the outcome of its twenty-sixth special session and the implementation of the Declaration of Commitment on HIV/AIDS,[6]

Recalling also the Thirteenth Conference of Heads of State or Government of the Non-Aligned Movement, held in Kuala Lumpur from 20 to 25 February 2003,

Reiterating its continuing support for the New Partnership for Africa's Development[7] as a development framework for Africa,

Recognizing that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

Stressing that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the millennium development goal of halving, by 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger,

Expressing regret that the Working Group on the Right to Development, at its fourth session, did not reach a conclusion, in particular on the implementation of the conclusions of the third session of the Working Group,[8] while aware of the views and observations of the Chairperson-Rapporteur,[9]

1. *Endorses* the conclusions of the third session of the Working Group on the Right to Development,[8] as adopted by the Commission on Human Rights in its resolution 2002/69 of 25 April 2002,[10] which constitute a solid foundation for further initiatives towards the promotion and the realization of the right to development;

2. *Requests* the Working Group at its fifth session to revisit and build upon the conclusions of its third session in order to constructively and effectively fulfil its mandate, bearing in mind that the Working Group did not reach a conclusion at its fourth session;

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[4] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[5] Resolution 58/4, annex.

[6] Resolution S-26/2, annex.

[7] A/57/304, annex.

[8] E/CN.4/2002/28/Rev.1, sect. VIII.A.

[9] E/CN.4/2003/26 and Corr.1, annex I.

[10] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

3. *Stresses* the importance of the core principles contained in the conclusions of the third session of the Working Group, congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the international level, and underlines the importance of the principles of equity and transparency;

4. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

5. *Reaffirms also* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action,[3] which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

6. *Stresses* that the basic responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

7. *Reaffirms* that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and their commitment to cooperating with each other to that end;

8. *Reaffirms also* the need for an international environment that is conducive to the realization of the right to development;

9. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon States to institute the measures required for the implementation of the right to development as a fundamental human right;

10. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and the international levels;

11. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

12. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

13. *Reaffirms* the commitment, and urges developed countries that have not yet done so, to make concrete efforts towards meeting the targets of 0.7 per cent of

their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

14. *Recognizes* the need to address market access for developing countries, including in respect of agriculture, services and non-agricultural products, in particular those of interest to developing countries;

15. *Considers* that a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions, with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries are important issues in making progress towards the effective implementation of the right to development;

16. *Underlines* the fact that the international community is far from meeting the target set in the United Nations Millennium Declaration[1] of halving the number of people living in poverty by 2015, and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

17. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses, in this regard, the need to broaden the base of decision-making at the international level on issues of development concern and to fill organizational gaps, as well as strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and economies in transition in international economic decision-making and norm-setting;

18. *Recognizes also* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

19. *Recognizes further* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between women's education and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

20. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes, and for ensuring the protection and promotion of those rights, especially in areas relating to health, education and the full development of their capacities;

21. *Stresses also* that further and additional measures must be taken at the national and international levels to fight HIV/AIDS and other communicable

diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

22. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for good corporate governance;

23. *Emphasizes* the urgent need for taking concrete measures to fight against all forms of corruption at the national and international levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the United Nations Convention against Corruption[5] as soon as possible;

24. *Looks forward* to the consideration by the Commission on Human Rights at its sixty-first session of the concept document to be prepared by the Subcommission on the Promotion and Protection of Human Rights establishing options for the implementation of the right to development and their feasibility;

25. *Emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including ensuring effective use of the financial and human resources necessary to fulfil its mandate and better servicing of and support for the Working Group on the Right to Development;

26. *Requests* the Secretary-General to ensure that the Office of the High Commissioner effectively assists in implementing the recommendations contained in the conclusions of the third session of the Working Group on the Right to Development,[8] and to ensure also the meaningful participation and contribution of all relevant United Nations agencies, funds and programmes, the specialized agencies and international organizations in the next session of the Working Group;

27. *Calls upon* the United Nations agencies, funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

28. *Requests* the Secretary General to bring the present resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

29. *Also requests* the Secretary-General to submit a report to the General Assembly at its fifty-ninth session and an interim report to the Commission on Human Rights at its sixtieth session on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development.

77th plenary meeting
22 December 2003

United Nations A/RES/58/173

General Assembly

Distr.: General
10 March 2004

Fifty-eighth session
Agenda item 117 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/58/508/Add.2)*]

58/173. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child,[5]

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right, and that such right derives from the inherent dignity of the human person,

Recalling that, according to the Constitution of the World Health Organization,[6] health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

Recognizing the need to progressively achieve the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling the relevant provisions of declarations and programmes of action adopted by the major United Nations conferences, summits and special sessions and at their follow-up meetings, in particular the four health-related development goals contained in the United Nations Millennium Declaration,[7]

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] Resolution 34/180, annex.

[5] Resolution 44/25, annex.

[6] United Nations, *Treaty Series*, vol. 14, No. 221.

[7] See resolution 55/2.

Noting Commission on Human Rights resolution 2003/28 of 22 April 2003[8] and all previous resolutions adopted by the Commission concerning the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Welcoming the adoption of the World Health Organization Framework Convention on Tobacco Control by the fifty-sixth World Health Assembly, on 21 May 2003,[9]

Recognizing the important contribution of all regional and subregional intergovernmental initiatives regarding HIV/AIDS, including those aimed at strengthening horizontal technical cooperation and encouraging best practices,

Aware that for millions of people throughout the world the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health still remains a distant goal and that, in many cases, especially for those living in poverty, this goal is becoming increasingly remote,

Recognizing the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recognizing also, in this regard, the important role of civil society, including non-governmental organizations, and in particular that of people living with HIV/AIDS, in the fight against this pandemic,

Recognizing further the indispensable role that health professionals play in the promotion and protection of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Welcoming the initiatives by the Secretary-General and relevant United Nations bodies and programmes, including the World Health Organization and the Joint United Nations Programme on HIV/AIDS, as well as public-private partnership initiatives, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, which contribute to improvements in addressing health issues worldwide, including in developing countries, while noting that further progress should be achieved in this regard, including in the mobilization of resources,

Concerned about the interrelationships between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and in particular about the fact that ill health can be both a cause and a consequence of poverty,

Considering that sexual and reproductive health are integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and Public Health adopted at the

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[8] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[9] See World Health Organization, *Fifty-sixth World Health Assembly, Geneva, 19–28 May 2003, Resolutions and Decisions, Annexes* (WHA56/2003/REC/1), resolution 56.1, annex.

Fourth World Trade Organization Ministerial Conference in Doha in November 2001,[10] and welcoming the World Trade Organization General Council decision of 30 August 2003 on the implementation of paragraph 6 of the Declaration,[11]

1. *Urges* States to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum extent of their available resources, with a view to achieving progressively, by all appropriate means, the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including, in particular, the adoption of legislative measures;

2. *Calls upon* the international community to continue to assist the developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support as well as training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

3. *Calls upon* States to guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be exercised without discrimination of any kind;

4. *Reaffirms* that the achievement of the highest attainable level of health is a most important worldwide social goal, the realization of which requires action on the part of many other social and economic sectors in addition to the health sector;

5. *Affirms* that good governance at all levels, sound economic policies and solid democratic institutions responsive to the needs of the people are also key to the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

6. *Calls upon* States to pay special attention to the situation of vulnerable groups, including by the adoption of positive measures, in order to safeguard the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

7. *Also calls upon* States to place a gender perspective at the centre of all policies and programmes affecting women's health;

8. *Further calls upon* States to protect and promote sexual and reproductive health as integral elements of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

9. *Invites* States to consider signing and ratifying the World Health Organization Framework Convention on Tobacco Control;[9]

10. *Takes note with interest* of the interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[12]

11. *Also takes note with interest* of the approach proposed by the Special Rapporteur to encompass the responsibilities of States at all levels in his future work on how to evaluate the progressive realization of the right of everyone to the highest

[10] WT/MIN(01)/DEC/2. Available from http://docsonline.wto.org.

[11] WT/L/540. Available from http://docsonline.wto.org.

[12] E/CN.4/2003/58.

attainable standard of physical and mental health, and of his efforts to apply this approach to specialized areas of health care, such as essential medicines, sexual and reproductive health, HIV/AIDS, children's health and water and sanitation;

12. *Welcomes* the special attention given by the Special Rapporteur to the identification of good practices for the effective implementation of the right of everyone to the highest attainable standard of physical and mental health;

13. *Recognizes* the need for further international cooperation and research to promote the development of new drugs, vaccines and diagnostic tools for diseases causing a heavy burden in developing countries, and stresses the need to support developing countries in their efforts in this regard, taking into account that the failure of market forces to address such diseases has a direct negative impact on the progressive realization in these countries of the right of everyone to the highest attainable standard of physical and mental health;

14. *Requests* the United Nations High Commissioner for Human Rights to provide the necessary resources for the effective fulfilment of the mandate of the Special Rapporteur from within existing resources;

15. *Calls upon* Governments to cooperate fully with the Special Rapporteur in the implementation of his mandate, to provide all information requested and to respond promptly to his communications;

16. *Notes* the request of the Commission on Human Rights to the Special Rapporteur to submit annually a report to the Commission and an interim report to the General Assembly on the activities performed under his mandate;

17. *Requests* the Commission on Human Rights to continue consideration of this matter at its sixtieth session under the same agenda item.

77th plenary meeting
22 December 2003

United Nations A/RES/58/174

General Assembly

Distr.: General
10 March 2004

Fifty-eighth session
Agenda item 117 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/58/508/Add.2)*]

58/174. Human rights and terrorism

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[2] and the International Covenants on Human Rights,[3]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[4] as well as the Declaration on Measures to Eliminate International Terrorism,[5]

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] in which the Conference reaffirmed that the acts, methods and practices of terrorism in all its forms and manifestations, as well as its linkage in some countries to drug trafficking, are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity and the security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Recalling further the United Nations Millennium Declaration adopted by the General Assembly,[7]

Recalling, in this regard, the reference in the report of the Secretary-General on the implementation of the Millennium Declaration to the fact that terrorism itself is a violation of human rights and must be combated as such and that efforts at

[1] Resolution 217 A (III).

[2] Resolution 2625 (XXV), annex.

[3] Resolution 2200 A (XXI), annex.

[4] See resolution 50/6.

[5] Resolution 49/60, annex.

[6] A/CONF.157/24 (Part I), chap. III.

[7] See resolution 55/2.

combating it must be pursued, however, in full compliance with established international norms,[8]

Recalling also its resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 52/133 of 12 December 1997, 54/109 and 54/110 of 9 December 1999, 54/164 of 17 December 1999, 55/158 of 12 December 2000, 56/160 of 19 December 2001 and 57/219 and 57/220 of 18 December 2002,

Recalling in particular that, in its resolution 52/133, it requested the Secretary-General to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of human rights and fundamental freedoms,

Recalling previous resolutions of the Commission on Human Rights,

Bearing in mind all other relevant General Assembly resolutions,

Bearing in mind also relevant Security Council resolutions,

Aware that, at the dawn of the twenty-first century, the world is witness to historic and far-reaching transformations, in the course of which forces of aggressive nationalism and religious and ethnic extremism continue to produce fresh challenges,

Alarmed that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the right to life is the basic human right, without which a human being can exercise no other right,

Bearing in mind also that terrorism creates an environment that destroys the right of people to live in freedom from fear,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international law,

Seriously concerned about the gross violations of human rights perpetrated by terrorist groups,

Expressing its deepest sympathy and condolences to all the victims of terrorism and their families,

Alarmed in particular at the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism, which may cause massive damage, including huge loss of human life,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law, including relevant State obligations under international human rights and international humanitarian law, and to strengthen the role of the United Nations in this respect,

Emphasizing also that States shall deny safe haven to those who finance, plan, support or commit terrorist acts or provide safe havens,

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[8] See A/58/323, para. 28.

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards and obligations,

Mindful of the need to protect the human rights of and guarantees for the individual in accordance with the relevant human rights principles and instruments, in particular the right to life,

Noting the growing consciousness within the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights,

Noting also the developments that have occurred since its fifty-sixth session, on addressing the issue of human rights and terrorism at the national, regional and international levels,

1. *Reiterates its unequivocal condemnation* of the acts, methods and practices of terrorism in all its forms and manifestations as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;

2. *Strongly condemns* the violations of the right to life, liberty and security;

3. *Profoundly deplores* the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified in any circumstances;

4. *Expresses its solidarity* with the victims of terrorism;

5. *Reaffirms* the decision of the heads of State and Government, as contained in the United Nations Millennium Declaration,[7] to take concerted action against international terrorism and to accede as soon as possible to all the relevant regional and international conventions;

6. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

7. *Calls upon* States to take all necessary and effective measures, in accordance with relevant provisions of international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever it is committed, and also calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;

8. *Urges* all States to deny safe haven to terrorists;

9. *Calls upon* States to take appropriate measures, in conformity with relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, including assassinations, and in this context urges those States that

have granted refugee status or asylum to persons involved in or claiming to have committed acts of terrorism to review those situations;

10. *Condemns* the incitement to ethnic hatred, violence and terrorism;

11. *Stresses* that every person, regardless of nationality, race, sex, religion or any other distinction, has a right to protection from terrorism and terrorist acts;

12. *Expresses concern* about the growing connection between terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, the taking of hostages and robbery, and requests the relevant United Nations bodies to continue to give special attention to this question;

13. *Welcomes* the report of the Secretary-General on human rights and terrorism,[9] and requests him to continue to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of all human rights and fundamental freedoms and on the possible establishment of a voluntary fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into society, with a view to incorporating his findings in his report to the General Assembly;

14. *Decides* to consider this question at its sixtieth session, under the item entitled "Human rights questions".

77th plenary meeting
22 December 2003

[9] A/58/533.

General Assembly

Distr.: General
10 March 2004

Fifty-eighth session
Agenda item 117 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/58/508/Add.2)*]

58/175. National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its resolutions and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played an important role and should continue to play a more important role in assisting the development of national institutions,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[1] which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in remedying human rights violations, in disseminating information on human rights and in education in human rights,

Recalling also the Beijing Platform for Action,[2] in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Noting the diverse approaches adopted throughout the world for the promotion and protection of human rights at the national level, emphasizing the universality, indivisibility and interdependence of all human rights, and emphasizing and

[1] A/CONF.157/24 (Part I), chap. III.

[2] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

recognizing the value of such approaches in promoting universal respect for and observance of human rights and fundamental freedoms,

Recalling the programme of action adopted by national institutions for the promotion and protection of human rights, meeting in Vienna from 14 to 16 June 1993[3] during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Noting with appreciation the existence of the regional human rights networks in Europe and Africa, the continuing work of the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas and the work of the Asia Pacific Forum of National Human Rights Institutions,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

1. *Welcomes* the report of the Secretary-General;[4]

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles"), contained in the annex to resolution 48/134 of 20 December 1993;

3. *Reiterates*, on the tenth anniversary of their recognition by the General Assembly, the continued importance of the Paris Principles, recognizes the value of further strengthening their application, where appropriate, and encourages States, national institutions and other interested parties to consider ways to achieve this;

4. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[1] it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

5. *Encourages* Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

6. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights;

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[3] See A/CONF.157/NI/6.

[4] A/58/261.

7. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

8. *Notes with satisfaction* the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

9. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities, including those of the United Nations, in particular in the context of the United Nations Decade for Human Rights Education, 1995–2004;

10. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions as part of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights;

11. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national institutions, encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, and invites Governments to contribute additional funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for that purpose;

12. *Welcomes* the establishment of a national institutions web site[5] as an important vehicle for the delivery of information to national institutions and for sharing best practice, and further notes with satisfaction the intention of the Office of the United Nations High Commissioner for Human Rights to publish a compendium of national legislation relevant to national institutions;

13. *Notes with appreciation* the increasingly active and important role of the International Coordinating Committee of National Institutions, as recognized in Commission on Human Rights resolution 1994/54 of 4 March 1994,[6] in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

14. *Also notes with appreciation* the holding of regular meetings of the International Coordinating Committee and the arrangements for the participation of national human rights institutions in the annual sessions of the Commission on Human Rights;

15. *Requests* the Secretary-General to continue to provide the necessary assistance for holding meetings of the International Coordinating Committee during

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[5] www.nhri.net (National Human Rights Institutions Forum).

[6] See *Official Records of the Economic and Social Council, 1994, Supplement No. 4* and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

the sessions of the Commission on Human Rights, in cooperation with the Office of the United Nations High Commissioner for Human Rights;

16. *Welcomes* the continuation of the practice of national institutions convening regional meetings in some regions, and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

17. *Requests* the Secretary-General to continue to provide, including from the Voluntary Fund for Technical Cooperation, the necessary assistance for holding international and regional meetings of national institutions;

18. *Recognizes* the important and constructive role that non-governmental organizations may play, in cooperation with national institutions, for better promotion and protection of human rights;

19. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

20. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

21. *Encourages* all United Nations entities, funds and agencies to work in close cooperation with national institutions in the promotion and protection of human rights;

22. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

77th plenary meeting
22 December 2003

United Nations A/RES/58/176

General Assembly

Distr.: General
12 March 2004

Fifty-eighth session
Agenda item 117 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/58/508/Add.2)*]

58/176. Subregional Centre for Human Rights and Democracy in Central Africa

The General Assembly,

Recalling its resolution 55/105 of 4 December 2000 concerning regional arrangements for the promotion and protection of human rights,

Recalling also its resolutions 55/34 B of 20 November 2000 and 55/233 of 23 December 2000 and section III of its resolution 55/234 of 23 December 2000,

Recalling further that the World Conference on Human Rights recommended that more resources be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,[1]

Recalling the report of the United Nations High Commissioner for Human Rights,[2]

Taking note of the holding of the twentieth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, in Malabo, from 27 to 31 October 2003,

1. *Welcomes* the activities of the Subregional Centre for Human Rights and Democracy in Central Africa at Yaoundé;

2. *Notes with satisfaction* the support provided for the establishment of the Centre by the host country;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide their full assistance for the proper functioning of the Centre;

4. *Requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the implementation of the present resolution.

77th plenary meeting
22 December 2003

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[1] See A/CONF.157/24 (Part I), chap. III.

[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 36* and corrigendum (A/56/36 and Corr.1 and Add.1).

United Nations A/RES/58/177

General Assembly

Distr.: General
12 March 2004

Fifty-eighth session
Agenda item 117 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/58/508/Add.2)*]

58/177. Protection of and assistance to internally displaced persons

The General Assembly,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Conscious of the human rights and the humanitarian dimensions of the problem of internally displaced persons and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction as well as to address the root causes of the displacement problem in cooperation with the international community,

Noting the growing awareness of the international community of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, or local integration,

Recalling the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,[1]

Emphasizing the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, and welcoming initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them,

[1] E/CN.4/1998/53/Add.2, annex.

Commending the Representative of the Secretary-General on internally displaced persons for the activities undertaken so far, for the catalytic role that he plays in raising the level of consciousness about the plight of internally displaced persons and for his efforts to promote a comprehensive strategy that focuses on prevention as well as better protection and assistance and addressing the development needs of internally displaced persons,

Taking note of Commission on Human Rights resolution 2003/51 of 23 April 2003,[2] and recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[3] regarding the need to develop global strategies to address the problem of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and noting that the Rome Statute of the International Criminal Court[4] defines the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population, as well as ordering the displacement of the civilian population, as war crimes,

Noting the increasing dissemination, promotion and application of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

Welcoming the cooperation established between the Representative of the Secretary-General and the United Nations and other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better protection, assistance and development strategies for internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling its resolution 56/164 of 19 December 2001,

1. *Welcomes* the report of the Representative of the Secretary-General on internally displaced persons;[5]

2. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

3. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the causes of internal displacement, the needs and rights of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for internally

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[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[3] A/CONF.157/24 (Part I), chap. III.

[4] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[5] See A/58/393.

displaced persons, taking into account specific situations, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

4. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and welcomes the commitment of the Representative of the Secretary-General to pay more systematic and in-depth attention to their particular assistance, protection and development needs, as well as to other groups with special needs such as older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and bearing in mind Security Council resolution 1325 (2000) of 31 October 2000;

5. *Notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

6. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes and reintegration and rehabilitation processes;

7. *Expresses its appreciation* of the Guiding Principles on Internal Displacement[1] as an important tool for dealing with situations of internal displacement, welcomes the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

8. *Welcomes* the fact that the Representative of the Secretary-General continues to use the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles;

9. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to give serious consideration to inviting the Representative to visit their countries so as to enable him to study and analyse more fully the issues involved, and thanks those Governments that have already done so;

10. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

11. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons;

12. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, notes the work of the Internal Displacement Unit within the Office for the Coordination of Humanitarian Affairs of the Secretariat, and encourages further strengthening of the collaboration with the Representative of the Secretary-General

in line with the memorandum of understanding of 17 April 2002 between the Representative and the Emergency Relief Coordinator;

13. *Emphasizes* the need to strengthen further inter-agency arrangements and the capacities of the United Nations agencies and other relevant actors to meet the immense humanitarian challenges of internal displacement, and underlines in this regard the importance of an effective, accountable and predictable collaborative approach;

14. *Encourages* all relevant United Nations agencies and humanitarian assistance, human rights and development organizations to enhance further their collaboration and coordination, through the Inter-Agency Standing Committee and in countries with situations of internal displacement, and to provide all possible assistance and support to the Representative of the Secretary-General;

15. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated inter-agency appeals process, and encourages further efforts in this regard;

16. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate and support this effort, including by providing relevant data on situations of internal displacement and financial resources;

17. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the Intergovernmental Authority on Development, the Council of Europe, the Commonwealth and the Economic Community of West African States, to address the protection, assistance and development needs of internally displaced persons, and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

18. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

19. *Requests* the Representative of the Secretary-General to prepare, for consideration by the General Assembly at its sixtieth session, a report on the implementation of the present resolution;

20. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixtieth session.

77th plenary meeting
22 December 2003

United Nations A/RES/58/178

General Assembly

Distr.: General
12 March 2004

Fifty-eighth session
Agenda item 117 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/58/508/Add.2)*]

58/178. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution,

Reiterating the importance of the Declaration, and stressing the importance of its wide dissemination,

Recalling all previous resolutions on this subject, in particular its resolution 57/209 of 18 December 2002 and Commission on Human Rights resolution 2003/64 of 24 April 2003,[1]

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

Gravely concerned by the human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,

Concerned by the considerable number of communications received by the Special Representative of the Secretary-General on human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders, in particular

[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

those active at the local and community levels, and the severe consequences for women human rights defenders and defenders of rights of persons belonging to minorities,

Noting with deep concern that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity and in promoting, strengthening and preserving democracy,

Recalling that, under the International Covenant on Civil and Political Rights,[2] certain rights are recognized as non-derogable, and emphasizing that derogation from other rights and freedoms can take place only under strict observance of the agreed conditions and procedures identified under article 4 of the Covenant,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Acknowledging the significant work conducted by the Special Representative of the Secretary-General during the first three years of her mandate,

Welcoming the cooperation between the Special Representative and other special procedures of the Commission on Human Rights,

Welcoming also regional initiatives for the promotion and protection of human rights and the cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Representative of the Secretary-General on human rights defenders[3] and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. *Encourages* all States to ensure and maintain an environment conducive to the work of human rights defenders;

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[2] See resolution 2200 A (XXI), annex.

[3] E/CN.4/2001/94 and E/CN.4/2002/106 and Add.1 and 2; see also A/56/341 and A/57/182.

4. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

5. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both the local and the national levels;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of human rights defenders;

7. *Emphasizes* the importance of combating impunity, and in this regard urges States to take appropriate measures to address the question of impunity for threats, attacks and acts of intimidation against human rights defenders;

8. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information in the fulfilment of her mandate upon request;

9. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Representative to visit their countries, and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to her recommendations, so as to enable her to fulfil her mandate even more effectively;

10. *Urges* those Governments that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;

11. *Invites* Governments to consider translating the Declaration into national languages, and encourages them to disseminate it widely;

12. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

13. *Invites* relevant United Nations bodies, including at the country level, within their mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative, and requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative;

14. *Requests* the Secretary-General to provide the Special Representative with all necessary human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

15. *Decides* to consider this question at its fifty-ninth session under the item entitled "Human rights questions".

77th plenary meeting
22 December 2003

United Nations A/RES/58/179

General Assembly

Distr.: General
17 March 2004

Fifty-eighth session
Agenda item 117 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/58/508/Add.2)*]

58/179. Access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria

The General Assembly,

Reaffirming the Universal Declaration of Human Rights[1] and the International Covenant on Economic, Social and Cultural Rights,[2]

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right,

Recalling Commission on Human Rights resolutions 2001/33 of 23 April 2001,[3] 2002/32 of 22 April 2002[4] and 2003/29 of 22 April 2003,[5]

Acknowledging that prevention and comprehensive care and support, including treatment and access to medication for those infected and affected by pandemics such as HIV/AIDS, tuberculosis and malaria, are inseparable elements of an effective response and must be integrated into a comprehensive approach to respond to such pandemics,

Stressing the importance of fully implementing the Declaration of Commitment on HIV/AIDS, "Global Crisis – Global Action",[6] and taking note of the report of the Secretary-General,[7]

Welcoming the continuing political commitment demonstrated at the high-level plenary meetings of the General Assembly devoted to the follow-up to the outcome of its twenty-sixth special session and the implementation of the Declaration of Commitment on HIV/AIDS, "Global Crisis – Global Action", held on 22 September 2003,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[4] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[5] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[6] Resolution S-26/2, annex.

[7] A/58/184.

Expressing its support for the work of the Global Fund to Fight AIDS, Tuberculosis and Malaria and that of other international bodies combating such pandemics,

Bearing in mind World Health Assembly resolutions WHA55.12 and WHA55.14, both of 18 May 2002,[8] and WHA56.30 of 28 May 2003,[9]

Bearing in mind also the International Labour Organization Code of Practice on HIV/AIDS and the World of Work, adopted by the Governing Body of the International Labour Organization in June 2001,[10]

Taking note of general comment No. 14 (2000) on the right to the highest attainable standard of physical and mental health (article 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session,[11]

Taking note also of general comment No. 3 (2003) on HIV/AIDS and the rights of the child, adopted by the Committee on the Rights of the Child at its thirty second session,[12]

Alarmed that the HIV/AIDS pandemic claimed 3.1 million lives in 2002, that about 42 million people were living with HIV by the end of 2002 and that 25 million children under the age of 15, including 20 million in Africa, are projected to lose one or both parents by 2010 owing to HIV/AIDS,

Fully aware that the failure to deliver antiretroviral treatment for HIV/AIDS to the millions of people who need it is a global health emergency,

Recalling its resolution 57/294 of 20 December 2002, entitled "2001-2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa",

Alarmed that, according to the global Roll Back Malaria Partnership, malaria annually causes more than 1 million deaths, around 90 per cent of which are in Africa, that it is the leading cause of death in young children and that it causes at least 300 million cases of acute illness each year,

Also alarmed that, according to the World Health Organization global tuberculosis control report of 2003,[13] tuberculosis kills about 2 million people each year, that 7 to 8 million people around the world become sick with tuberculosis each year and that it is projected that 36 million people will die of tuberculosis between 2002 and 2020 if control is not further strengthened,

Acknowledging the significance of HIV/AIDS in the increase in tuberculosis and other opportunistic diseases,

Welcoming the initiatives of the Secretary-General and relevant United Nations agencies, States and civil society, including the private sector, to make drugs related to HIV/AIDS, tuberculosis and malaria more accessible and affordable to infected

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[8] See World Health Organization, *Fifty-fifth World Health Assembly, Geneva, 13-18 May 2002, Resolutions and Decisions, Annexes* (WHA55/2002/REC/1).

[9] Ibid., *Fifty-sixth World Health Assembly, Geneva, 19-28 May 2003, Resolutions and Decisions, Annexes* (WHA56/2003/REC/1).

[10] ILO/AIDS/2001/2.

[11] *Official Records of the Economic and Social Council, 2001, Supplement No. 2* (E/2001/22), annex IV.

[12] CRC/GC/2003/3.

[13] WHO/CDS/TB/2003/316.

persons, especially in developing countries, and noting that much more could be done in this regard,

Recalling the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and Public Health adopted at the Fourth World Trade Organization Ministerial Conference in Doha in November 2001,[14] and welcoming the World Trade Organization General Council decision of 30 August 2003 on the implementation of paragraph 6 of the Declaration,[15]

Recognizing that the spread of HIV/AIDS can have a uniquely devastating impact on all sectors and levels of society, and stressing that the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security, as stated in Security Council resolution 1308 (2000) of 17 July 2000,

Emphasizing, in view of the increasing challenges presented by pandemics such as HIV/AIDS, tuberculosis and malaria, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, including by reducing vulnerability to pandemics such as HIV/ AIDS, tuberculosis and malaria and by preventing related discrimination and stigma,

1. *Recognizes* that access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria is one fundamental element for achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Welcomes* the commitment of the World Health Organization and the Joint United Nations Programme on HIV/AIDS to work with the international community to support developing countries in achieving the global target of providing antiretroviral medicines to 3 million people infected with HIV/AIDS by the end of 2005, the "3 by 5" target;

3. *Takes note with interest* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[16]

4. *Calls upon* States to develop and implement national strategies, in accordance with applicable international law, including international agreements acceded to, to progressively realize access for all to prevention-related goods, services and information as well as access to comprehensive treatment, care and support for all individuals infected and affected by pandemics such as HIV/AIDS, tuberculosis and malaria;

5. *Also calls upon* States to establish or strengthen national health and social infrastructures and health-care systems, with the assistance of the international community as necessary, for the effective delivery of prevention, treatment, care and support to respond to pandemics such as HIV/AIDS, tuberculosis and malaria;

6. *Further calls upon* States to pursue policies, in accordance with applicable international law, including international agreements acceded to, which would promote.

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[14] WT/MIN(01)/DEC/2. Available from http://docsonline.wto.org.

[15] WT/L/540. Available from http://docsonline.wto.org

[16] See A/58/427.

(*a*) The availability in sufficient quantities of pharmaceutical products and medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them;

(*b*) The accessibility and affordability for all, without discrimination, including the most vulnerable or socially disadvantaged groups of the population, of pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them;

(*c*) The assurance that pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them, irrespective of their sources and countries of origin are scientifically and medically appropriate and of good quality;

7. *Calls upon* States, at the national level, on a non-discriminatory basis, in accordance with applicable international law, including international agreements acceded to:

(*a*) To refrain from taking measures that would deny or limit equal access for all persons to preventive, curative or palliative pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them;

(*b*) To adopt and implement legislation or other measures, in accordance with applicable international law, including international agreements acceded to, to safeguard access to such preventive, curative or palliative pharmaceutical products or medical technologies from any limitations by third parties;

(*c*) To adopt all appropriate positive measures, to the maximum of the resources allocated for this purpose, to promote effective access to such preventive, curative or palliative pharmaceutical products or medical technologies;

8. *Also calls upon* States, in furtherance of the Declaration of Commitment on HIV/AIDS,[6] to address factors affecting the provision of drugs related to the treatment of pandemics such as HIV/AIDS and the most common opportunistic infections that accompany them, as well as to develop integrated strategies to strengthen health-care systems, including voluntary counselling and testing, laboratory capacities and the training of health-care providers and technicians, in order to provide treatment and monitor the use of medications, diagnostics and related technologies;

9. *Further calls upon* States to take all appropriate measures, nationally and through cooperation, to promote the research and development of new and more effective preventive, curative or palliative pharmaceutical products and diagnostic tools, in accordance with applicable international law, including international agreements acceded to;

10. *Calls upon* States, at the international level, to take steps, individually and/or through international cooperation, in accordance with applicable international law, including international agreements acceded to, such as:

(*a*) Facilitating, wherever possible, access in other countries to essential preventive, curative or palliative pharmaceutical products or medical technologies used to treat pandemics such as HIV/AIDS, tuberculosis and malaria or the most common opportunistic infections that accompany them, as well as extending the necessary cooperation, wherever possible, especially in times of emergency;

(*b*) Ensuring that their actions, as members of international organizations, take due account of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that the application of international agreements is supportive of public health policies that promote broad access to safe, effective and affordable preventive, curative or palliative pharmaceutical products or medical technologies;

11. *Welcomes* the financial contributions made to date to the Global Fund to Fight AIDS, Tuberculosis and Malaria, urges that further contributions be made to sustain the Fund, and calls upon all States to encourage the private sector to contribute to the Fund as a matter of urgency;

12. *Calls upon* the Joint United Nations Programme on HIV/AIDS to mobilize further resources to combat the HIV/AIDS pandemic and upon all Governments to take measures to ensure that the necessary resources are made available to the Programme, in line with the Declaration of Commitment on HIV/AIDS;

13. *Calls upon* States to ensure that those at risk of contracting malaria, in particular pregnant women and children under five years of age, benefit from the most suitable combination of personal and community protective measures, such as insecticide treated bed nets and other interventions that are accessible and affordable, in order to prevent infection and suffering;

14. *Also calls upon* States to provide the necessary support for the World Health Organization Roll Back Malaria and Stop Tuberculosis Partnerships in their ongoing measures to combat malaria and tuberculosis;

15. *Calls upon* the international community, in particular the developed countries, to continue to assist developing countries in the fight against pandemics such as HIV/AIDS, tuberculosis and malaria, through financial and technical support as well as through the training of personnel;

16. *Invites* the Committee on Economic, Social and Cultural Rights to give attention to the issue of access to medication in the context of pandemics such as HIV/AIDS, tuberculosis and malaria, and invites States to include appropriate information thereon in the reports they submit to the Committee.

77th plenary meeting
22 December 2003

General Assembly

Distr.: General
17 March 2004

Fifty-eighth session
Agenda item 117 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/58/508/Add.2)*]

58/180. Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

The General Assembly,

Recalling its previous resolutions on the subject, in particular resolution 56/159 of 19 December 2001,

Reaffirming that United Nations electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

Noting with satisfaction that increasing numbers of Member States are using elections as a peaceful means of discerning the will of the people, which builds confidence in representational governance and contributes to greater national peace and stability,

Recalling the Universal Declaration of Human Rights, adopted on 10 December 1948,[1] in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right freely to choose representatives through periodic and genuine elections, which shall be by universal and equal suffrage and held by secret vote or by equivalent free voting procedures,

Noting with interest Commission on Human Rights resolution 2003/36 of 23 April 2003,[2]

Recognizing the need for strengthening democratic processes, electoral institutions and national capacity-building, including the capacity to administer fair elections, increase citizen participation and provide civic education, in requesting countries in order to consolidate and regularize the achievements of previous elections and support subsequent elections,

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[1] Resolution 217 A (III).

[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

Welcoming the support provided by States to the electoral assistance activities of the United Nations, inter alia, through the provision of electoral experts, including electoral commission staff, and observers, as well as through contributions to the United Nations Trust Fund for Electoral Observation,

Welcoming also the contributions made by international and regional organizations and also by non-governmental organizations to enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,

Having considered the report of the Secretary-General on United Nations activities aimed at enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,[3]

1. *Welcomes* the report of the Secretary-General;[3]

2. *Commends* the electoral assistance provided upon request to Member States by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the evolving needs of requesting countries to develop, improve and refine their electoral institutions and processes, recognizing that the fundamental responsibility of organizing free and fair elections lies with Governments;

3. *Requests* the Electoral Assistance Division of the Department of Political Affairs of the Secretariat, in its role as coordinator of United Nations electoral assistance, to continue to inform Member States regularly about the requests received and the nature of any assistance provided;

4. *Requests* that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, including the provision of long-term technical cooperation, that conditions exist to allow a free and fair election and that the mission's results will be reported comprehensively and consistently;

5. *Recommends* that, throughout the time span of the entire electoral process, including before and after elections, as appropriate, based on needs assessment missions, the United Nations continue to provide technical advice and other assistance to requesting States and electoral institutions in order to help to strengthen their democratic processes;

6. *Notes with appreciation* additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and needs-specific responses to requests for electoral assistance, and encourages those organizations to share knowledge and experience in order to promote best practices in the assistance they provide and in the reporting they make on electoral processes, and expresses its appreciation to those Member States, regional organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

7. *Recalls* the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and calls upon Member States to consider contributing to the Fund;

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[3] A/58/212.

8. *Encourages* the Secretary-General, through the Electoral Assistance Division, to continue responding to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular through enhancing the capacity of national electoral institutions;

9. *Requests* the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources to allow it to carry out its mandate, and to continue to ensure that the Office of the United Nations High Commissioner for Human Rights is able to respond, within its mandate and in close coordination with the Division, to the numerous and increasingly complex and comprehensive requests from Member States for advisory services;

10. *Notes with satisfaction* the comprehensive coordination between the Electoral Assistance Division and the United Nations Development Programme, and encourages further engagement of the Office of the United Nations High Commissioner for Human Rights in this context;

11. *Requests* the United Nations Development Programme to continue its governance assistance programmes in cooperation with other relevant organizations, in particular those that strengthen democratic institutions and linkages between civil society and Governments;

12. *Reiterates* the importance of reinforced coordination within and outside the United Nations system in this regard;

13. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance, and on his efforts to enhance support by the Organization for the democratization process in Member States.

77th plenary meeting
22 December 2003